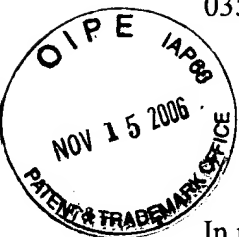


IFW  
DAC

03560.002607.

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: Gabriel I. Garcia
TAKASHI ONO ET AL.	)	
	:	Art Unit: 2625
Appln. No.: 09/585,607	)	
	:	Conf. No.: 9138
Filed: June 2, 2000	)	
	:	
For: PRINTING FROM A PC USING	)	
THE PRINTER UNIT OF A	:	
FACSIMILE MACHINE (as	)	
amended)	:	November 14, 2006

**Mail Stop: Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

LETTER OF GOOD FAITH AND CANDOR  
REGARDING PATENT TERM ADJUSTMENT

Sir:

Patentees respectfully request review of the Patent Term Adjustment (PTA) determined for the above-identified patent. The data presently available from the PAIR system appears to indicate an incorrect number of days determined for the USPTO Delay and for the Applicants' Delay.

Should it be deemed that Patentees are entitled to the PTA that is greater than that noted on the cover page of the patent, if permitted under 37 C.F.R. § 1.705(d), the

Commissioner is authorized to charge the fee required for increasing the PTA to Deposit Account 06-1205.

### FACTS

(1) The subject Patent issued from Application No. 09/585,607 ('607 application), filed on June 2, 2000.

(2) The subject Patent is not subject to any terminal disclaimers.

(3) The PAIR system indicates a USPTO-Delay period of 80 days for "PTA 36 Months" on August 30, 2006. Patentees believe that this time period was accounted for by the addition of the 353 days for late issuance of the two Notice of Allowance papers.

(4) The PAIR system indicates an Applicant-Delay period of 39 days for a "Miscellaneous Incoming letter" filed on May 23, 2006. Patentees dispute this determination.

(5) It is respectfully submitted that the USPTO incorrectly treated the Request for Consideration of Timely-Cited Information filed on May 23, 2006 as an "Information Disclosure Statement", and wrongly assessed 39 days of Applicant Delay.

(6) 37 C.F.R. § 1.704(a) provides that "the period of adjustment of the term of a patent under § 1.703(a) through (e) shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution (processing or examination) of the application."

(7) Patentees filed an Information Disclosure Statement on August 16, 2004 with a Form PTO-1449 listing eleven documents. The Examiner subsequently issued an Notice of Allowance mailed May 4, 2006, but did not attach the Form PTO-1449,

initialed to indicate consideration of the references cited in the August 16, 2006 Information Disclosure Statement. This matter was brought the Examiner's attention at the first available opportunity, in the Request for Consideration of Timely-Cited Information filed May 23, 2006.

(8) Since Patentees requested proper processing of the Form PTO-1449 at the first available opportunity, the request included in the Request for Consideration of Timely-Cited Information filed after the mailing of the Notice of Allowance cannot be considered a "failure to engage in reasonable efforts to conclude processing or examination of an application" under 37 C.F.R. § 1.704(c)(10).

(9) In view of the above, it is clear that the May 23, 2006 filing of the Request for Consideration should not cause any reduction in PTA. The filing of this Request for Consideration was necessitated by the Office's failure to process correctly the '607 application, which issued as the subject patent.

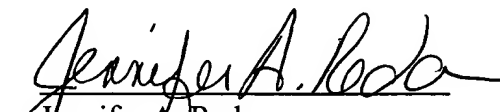
#### RELIEF REQUESTED

Reconsideration of the patent term adjustment is respectfully requested, in which the reduction of 39 days associated with the "Miscellaneous Incoming Letter" filed on May 26, 2006 be adjusted to 0 days. In addition, Patentees request review of the 80 day PTO-Delay.

CONCLUSION

Patentees' undersigned attorney may be reached in our New York, office by telephone at (212) 212-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Jennifer A. Reda  
Attorney for Patentees  
Registration No.: 57,840

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200